IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 11237 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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UNECHA VAS (VADA) SEVA SAHKARIMANDALI LTD - Petitioner(s)
Versus
ADDITIONAL SECRETARY (APPEALS) & 5 - Respondent(s)

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Appearance :
MR DILIP B RANA for Petitioner(s) : 1,
GOVERNMENT PLEADER for Respondent(s) : 1,
NOTICE SERVED BY DS for Respondent(s) : 1 - 6.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 19/06/2006

ORAL JUDGMENT

1. Learned advocate Shri Rana for the petitioner seeks permission to delete respondent no.5. Permission granted.

2. Rule. Learned AGP Shri Gori wavies service of rule

on behalf of remaining respondents.

3. At the joint request made by learned advocates appearing for the parties, the petition is taken up for final disposal today.

4. The short question involved in this petition is with respect to the order passed by the authorities regarding the request of the petitioner for registration. In the nutshell the authorities are of the view that the area of portion of the petitioner society did not form a separate revenue village and, therefore, could not have been granted registration as per government policy. It is clearly born out in the revisionary order also wherein the revisionary authority has rejected the revision of the petitioner preliminary on the ground that the evidence produced by the petitioner of the independent revenue village did not pertain to the relevant period when the petitioner society had requested for registration. The stand of the respondents on the available material on record seems reasonable. Learned advocate Shri Rana for the petitioner, however has produced on record a certificate dated 14/6/2006 issued by Talati-cum-Mantri which suggests that the same

situation obtained at the relevant time in the year 2003 also. Perhaps this document was not on record before the revisionary authority. Entire complexion might change if this is taken into account. For the above purpose, I find that the revision is required to be considered again. For the same purpose revisionary order passed by the State Government is quashed and proceeded back to the revisionary authority. It will be open for the petitioner to produce the above documents and any other additional material found necessary. Revisionary authority will examine the veracity of such material and pass fresh order in accordance with law. With these directions, the petition is disposed of. Rule is made absolute. No order as to costs.

(Akil Kureshi, J.)

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